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Fifty-second session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 March 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY MR. XAVIER EMMANUELLI, SECRETARY OF STATE FOR EMERGENCY HUMANITARIAN ACTION OF FRANCE

1. Mr. EMMANUELLI (France) said that the French delegation associated itself fully with the statement made by the Italian delegation on behalf of the European Union. He then reviewed some of the major events in the area of human rights that had occurred during the previous year, first and foremost the signing on 14 December 1995 in Paris of the General Framework Agreement for Peace in Bosnia and Herzegovina that had ended the conflict in that country. An enormous humanitarian investment would also be required to deal with the aftermath of the war in the former Yugoslavia in the form of 2.7 million refugees and displaced persons. France would continue to support the work of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in that area. Moreover, all States should cooperate with the International Criminal Tribunal for the Former Yugoslavia established by Security Council resolution 808 (1993) on the initiative of France and with the International Tribunal for Rwanda created subsequently. Suspected perpetrators of acts of genocide and violations of international humanitarian law in Rwanda must be brought to justice as a matter of urgency. The human rights situation in Burundi was also of great concern and it was essential for the Commission to give special attention to that country.

2. Another important event in 1995 had been the preparation and convening of the Fourth World Conference on Women in Beijing from 4 to 15 September, which had adopted a Platform for Action in which the international community undertook to implement a number of very specific measures to promote full participation by women in the economic, social and political life of society and affirmed the principle of equal rights for men and women in all fields. The next step was to promote the implementation at country level of the commitments entered into in Beijing.

3. Protection of the rights of the child was rightly one of the major concerns of the Commission on Human Rights. The development of such odious practices as the use of children in armed conflicts or their sexual exploitation called for stronger measures to oppose such phenomena. France accordingly supported the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, which provided, inter alia, for an increase in the minimum legal age of compulsory recruitment into the armed forces from 15 to 18 years of age and the draft optional protocol currently under consideration on the sale of children, child prostitution and child pornography.

4. He then turned to matters to which the Commission should give priority attention during the fifty-second session, beginning with economic, social and cultural rights, which were inseparable from civil and political rights, and action to be taken to eradicate extreme poverty and social exclusion worldwide as a fundamental violation of human dignity which was incompatible with the duty of States to guarantee full enjoyment of human rights. It was a particularly topical theme in 1996, International Year for the Eradication of Poverty, and in the context of action on the recommendations adopted at the

Copenhagen World Summit for Social Development. France had established a follow-up committee for the purpose and was drafting a bill to counter exclusion. Moreover, it intended to continue participating to the full in global action against poverty with the entire international community.

5. Human rights education and training also served as tools to advance the cause of human rights. Alongside other States, France was involved in implementing the United Nations Decade for Human Rights Education, which had begun on 1 January 1995. In particular, it had set up a national committee to prepare a plan of action for the Decade.

6. Over the years, the United Nations had acquired considerable experience in human rights, particularly through the Commission on Human Rights and its mechanisms and procedures such as rapporteurs and working groups on specific topics and national situations. Their recommendations were of vital importance but could only carry weight and exert an impact if they were implemented by States. It was therefore important to search jointly for ways of carrying them into effect in order to change the lives of the men and women concerned. France had taken careful note of the recommendations made by the Commission's Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance following his visit to France from 29 September to 9 October 1995. While noting that France was one of the countries with the largest body of legislation against racism, the Special Rapporteur had made various proposals regarding action to be taken in the area of training in and enhancement of awareness of human rights and tolerance.

7. He also stressed the role to be played by national institutions for the promotion and protection of human rights, which were gradually being set up in most countries in the form of human rights commissions or mediators. Such institutions reflected the demands and determination of the men and women of which they were composed. They served as an interlocutor for Governments and an agency of recourse for individuals and associations. It was to be hoped that their voices would be heard ever more loudly and clearly within States and in the international community.

8. In conclusion, he paid tribute to those who dedicated their energies and in some cases their freedom or their lives to the cause of human rights. It was high time to adopt the declaration on the protection of defenders of human rights that had been in course of preparation for the past 10 years. It would lay the basis for a joint undertaking by all States on behalf of those who were endeavouring to develop respect for human rights and fundamental freedoms and gradually to achieve their universal and effective recognition and enforcement.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)
(E/CN.4/1996/11, 14, 15, 16 and Add.1, 17, 69, 83, 84, 112 and 118 and Add.1; A/49/929)

9. Mr. BARKER (Australia) said that he had heard a legitimate concern expressed in certain statements at the previous meeting that the Commission should work as far as possible on the basis of cooperation and consensus, but he had also detected a note of pessimism or even negativism regarding the

scope and credibility of the Commission's action. His delegation stressed that the Commission could be proud of the work it had done during the 50 years of its existence.

10. The Commission had made a major contribution to the development of international human rights standards and could currently draw on the authority of a very large number of conventions and declarations. In addition, publicity for its work, chiefly through the media, had promoted public awareness of human rights. Another mark of success was the growing number of areas with which the Commission was concerned and the expansion of its agenda. The Commission was currently dealing, for example, with economic, social and cultural rights, the right to development, migrants' rights, violence against women, etc.

11. The large number of resolutions adopted by consensus attested to the cooperation that had developed among its members. The Commission also played a monitoring role to ensure universal and effective respect for human rights and fundamental freedoms in pursuance of Articles 55 and 56 of the Charter of the United Nations. To bolster its action, it had established a range of mechanisms and procedures, including the institution of special rapporteurs. It was important as a further step for the Commission to work, in a spirit of cooperation, to develop the means of action available to countries in the area of human rights. The Australian delegation was prepared to cooperate to that end with all other delegations and it hoped that the current session would prove productive.

12. Mr. LEGAULT (Canada), associating himself with the comments by the representative of Australia, said that his delegation wished to take the floor under agenda item 3 following a series of statements made at the previous meeting. Of course, the Canadian delegation would also like the Commission to be more efficient and to update its agenda. But although forms and procedures were important, the essence of the Commission's work consisted in ensuring respect for principles that had been laid down in international instruments and were not subject to discussion; the Commission's role was to see to it that they were observed throughout the world. States must align their national policy with international standards. Cooperation, consultations and the search for consensus were excellent means to that end, but they should serve the principles set forth in the international instruments. The Commission's mandate was not to harmonize policies at all costs. It had a duty to condemn violations outright, an approach that would enhance its credibility. Canada for its part would condemn whatever was blameworthy.

13. Mr. MÖLLER (Secretary of the Commission) said that, owing to budgetary restrictions, reports submitted late were not translated. That applied particularly to document E/CN.4/1996/18.

14. Mr. ALFONSO MARTINEZ (Cuba) noted that, as in the case of document E/CN.4/1996/18 which would be available in only one language, documents E/CN.4/1996/72/Add.2, 3 and 4 under agenda item 12 dealing with the visit to three countries by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and documents

E/CN.4/1996/73 and 74 had still not been issued in all the working languages. He asked whether the documents in question would appear in due course or would not be distributed at all.

15. Mr. MÖLLER (Secretary of the Commission) said that for a number of reasons some documents had been submitted too late for translation and reproduction in all working languages in time for the session. They unfortunately included the documents mentioned by the representative of Cuba which would not be ready.

16. Mr. ALFONSO MARTINEZ (Cuba) took it that those documents would not be available or would be available only in the original language. He wondered in that case how the Commission proposed to examine them in detail and, in particular, to analyse the Special Rapporteur's mission to the three countries in question. Could the Secretariat make an extra effort to have the documents translated and reproduced or would the discussion have to be deferred until the following year?

17. The CHAIRMAN said that he would look into the matter with the Secretariat and inform the Commission.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1996/18, 19, 20, 21 and 108)

18. Mr. HALINEN (Special Rapporteur on the situation of human rights in the occupied Palestinian territories) said that the Special Rapporteur's mandate had been established over three years previously, prior to the Oslo process, the signing of the Declaration of Principles on Interim Self-Government Arrangements and the signing of the agreements between the Israeli Government and the Palestine Liberation Organization in Cairo and Washington. As the goal of the peace process was to solve the problem at the root of human rights violations in Palestine, namely the occupation, rapid completion of the process was the only way of securing respect for human rights and promoting the rule of law.

19. He regretted not having obtained the cooperation of the Israeli Government for the discharge of his mandate. In the absence of such cooperation, he had briefly visited Gaza in early March to meet the President of the Palestinian Authority, Mr. Yasser Arafat, and a number of ministers of the Palestinian Authority and members of the Palestinian Council. His visit had coincided with the terrorist attacks in Israel, human rights violations perpetrated by extremist adversaries of the peace process which he firmly condemned.

20. During the talks in Gaza, his attention had been drawn to two grave human rights violations, the closure of the territories and the number and condition of Palestinian prisoners. The closure constituted a collective punishment in breach of the Fourth Geneva Convention and a serious violation of the rights of the Palestinian population. Some 3,500 Palestinian prisoners were reportedly still held by the Israelis and there were alleged cases of torture and ill-treatment. While measures to prevent such criminal acts were

necessary, they should be compatible with respect for human rights and every effort should be made to avoid being caught up in a vicious circle of violence and repression.

21. Responsibility for ensuring respect for human rights in the West Bank and the Gaza Strip currently lay with both Israel and the Palestinian Authority. To fulfil his mandate constructively, the Special Rapporteur must obtain full cooperation on the part of the Israeli Government and the Palestinian Authority. In Gaza, he had been pleased to note that the Palestinian Authority had recognized the need to review his mandate.

22. The complex situation in the Middle East highlighted the need for the establishment of a new human rights culture. In that context, it was important for the Centre for Human Rights to become more active in complementing the work of the United Nations Special Coordinator in the Occupied Territories. In addition, the message from the Summit of Peacemakers in Sharm el-Sheikh in Egypt must be heard and put into practice in the field of human rights. It was essential to review the role and mandate of the Special Rapporteur in the framework of a global human rights strategy in the Palestinian territories and he urged the Commission to take a decision on the matter.

23. Mr. LANDMAN (Observer for Israel) said that the previous year he had urged the Commission to abandon its political and anachronistic approach to the situation in the Middle East and to impress upon the Palestinians the need to assume their responsibility for human rights and to end their denial of Israel's right to full membership in the Commission; yet nothing had changed. It should therefore come as no surprise that the Israeli Government and people were sceptical about the Commission's position on the Middle East situation and hoped for a more serious approach in the future.

24. In the existing context, the Commission must begin by addressing the scourge of terror. In Jerusalem, Tel Aviv and Ashkelon, Israel had recently been the target yet again of cold-blooded atrocities designed to take the largest possible toll of innocent lives while at the same time undermining the peace process. Five ghastly incidents had left almost 60 dead and some 200 injured. After the fourth attack, the High Commissioner for Human Rights had condemned the acts of violence in the strongest terms. The Secretary-General of the United Nations, the members of the Security Council and the executive heads of a number of international organizations had also denounced them. The international community had been shaken by the carnage and the leaders of 29 countries, including 13 Arab States, had attended an unprecedented Summit of Peacemakers at Sharm el-Sheikh in Egypt. Elimination of terror had been one of the priorities established. As terror was incompatible with respect for human rights, the Commission was duty-bound to denounce it and at the very least to voice unanimous and unambiguous support for the Declaration issued at Sharm el-Sheikh, including the passage that strongly condemned all acts of terror in all its abhorrent forms, whatever its motivations and whoever its perpetrators. More broadly, the Commission must refrain from putting the victim on trial. The State of Israel was at war against terror and was exercising its right to self-defence in accordance with the provisions of the Interim Agreement (also known as "Oslo II") signed with the Palestinian Authority in September 1995.

25. The Israeli authorities rejected assertions to the effect that the measures they had been obliged to take to protect Israeli citizens were a collective punishment or a violation of human rights. The measures were designed exclusively to prevent armed terrorists, prepared to commit suicide attacks, from infiltrating into Israel. The Israeli Government would lower its defences only when it was convinced that the Palestinian Authority had fulfilled its undertaking to act against all expressions of violence and terror. Certain restrictions on, for example, movements within the territories and the transport of goods had already been relaxed.

26. To deal correctly with the situation in the Middle East, the Commission must also take note of the fact that the Palestinian Authority was responsible for ensuring respect for human rights in the self-governing areas. Israel had handed over to the Authority responsibility for all spheres of daily life, excluding external defence and foreign affairs. There were actually grounds for concern regarding the human rights responsibilities of the Palestinian Authority, as noted by the Sub-Commission at its previous session and more recently by the State Department of the United States of America and Amnesty International. The broad responsibility of the Palestinian Authority was one of the reasons why the State of Israel had declined to receive the Special Rapporteur on the situation in the territories. Israel had basic reservations concerning his mandate, which had been established in 1993 in a virulently anti-Israeli context and had totally disregarded the Middle East peace process already under way. Moreover, the duration of the mandate had not been limited to one year. For all those reasons, it was understandable that Israel had not wished to receive the Special Rapporteur.

27. Lastly, with regard to the work of the Commission itself, was it not time to call a truce and end the adoption, year after year, of politically motivated anti-Israeli resolutions that took no account of the extraordinary developments in the region over the previous four years? Although flagrant violations of human rights were occurring in Europe, Asia, Africa and Latin America, Israel was paradoxically singled out as the only country to which a separate agenda item was devoted. It was an abuse of the Commission's time to spend two and a half days on that item while the United Nations was endeavouring to make economies in response to the financial crisis. Why not deal with the question of human rights in Israel and Palestine under agenda item 10 on a par with every other country?

28. Israel was the only country so excluded. Relentlessly attacked by the Commission, it had not even secured proper representation owing to the operation of the regional group system, which was a gross breach of the principles of universality and equity set forth in the Charter.

29. Together with other countries in the Middle East, Israel was striving for peace and security, but it should be clear to all that peace was unattainable while terror prevailed and fundamental freedoms were seriously jeopardized. For the sake of human rights, the Commission must join the international community in the fight against terror; to that end, it must not only be relevant and focused but also realistic and prepared to abandon its anachronistic positions.

30. Mr. AL RAMLAWI (Observer for Palestine) said that the reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/1996/18) and of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463) clearly showed that Israel continued to refuse to cooperate with those two bodies and to prevent them from discharging their mission as mandated by the Commission and the General Assembly. The two reports further confirmed that the situation of human rights in the Palestinian and Arab territories occupied by Israel since 1967 continued to deteriorate.

31. The Palestine Liberation Organization (PLO) and the Palestinian Authority were doing their utmost to boost the Middle East peace process, but political negotiations and the human rights of the Palestinian people were two very different matters. There had been reason to hope that the initiation of the peace process would put an end to certain practices of the Israeli authorities that violated the human rights of the Palestinians; but that had not happened. The policy of inflicting collective punishments, such as the sealing off of the occupied Palestinian territories, continued. Recently, that policy had been extended to starving the entire population of the territories and causing the death of a number of civilians. Under international law such a policy was considered akin to genocide.

32. Mass confiscations of lands belonging to Palestinians in order to develop Israeli settlements constituted another violation of the principles of international law and of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. In paragraph 728 of its report (A/50/463), the Special Committee indicated that the policy of establishing Jewish settlements in the occupied territories adopted by Israel since 1968 was at the heart of the Arab-Israeli conflict. In paragraph 732 of the report, the Committee pointed out that, in its concluding observations adopted on 18 August 1994, the Committee on the Elimination of Racial Discrimination had stated that the Israeli settlements were illegal under international law and also constituted obstacles to peace and the enjoyment of human rights by the whole population in the region.

33. Since 1967, the Security Council, the General Assembly and the Commission had adopted a number of resolutions rejecting any geographical or demographic changes to the city of Jerusalem. But, in defiance of international conventions and instruments, Israel continued its policy of reducing the number of Palestinian citizens in Jerusalem with a view to changing the city's demographic composition. It also continued to carry out excavations close to the Al-Aqsa Mosque, seriously endangering a place that was sacred to all Muslims.

34. The many summary executions carried out by the Israeli occupying authorities since the signing of the Cairo Agreement were another serious violation of human rights. According to the Israeli human rights organization B'Tselem, more than 150 Palestinians, including several children under 16 years of age, had been shot dead at close range.

35. Furthermore, Israel did not hesitate to torture Palestinian detainees; the international community had repeatedly condemned it for that crime. In that connection, members of the Commission could refer to the reports of Amnesty International and of the Special Committee. The demolition of houses belonging to Palestinians as a collective punishment constituted another violation of human rights.

36. Such practices reduced the local population to despair and frustration that led to violence, regardless of the efforts of the Palestinian Authority to preserve calm. Unless measures were taken to secure effective enjoyment of fundamental rights by the Palestinians and other Arabs in the territories, the population's support for the peace process would be further eroded day by day.

37. Mr. ZHANG Yishan (China) said that the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip officially signed in September 1995 constituted a major step towards complete restoration of the legitimate national rights of the Palestinian people. However, the Middle East peace process was not proving as smooth as one would have hoped. The assassination of the Israeli Prime Minister, Mr. Yitzhak Rabin, and the recent terrorist violence that had appalled the international community showed that the peace process had entered a critical phase calling for the greatest vigilance by all the parties concerned, so as to ensure implementation of the agreements already reached and the adoption of measures to consolidate the progress achieved and avoid any setbacks.

38. In recent years, the resolutions adopted by the Commission had provided encouragement and support for the just struggle of the Palestinian people and the population of the other occupied Arab territories. The Commission must continue to give that question the highest priority and endeavour to remedy gross violations of human rights caused by colonialism, racism, alien aggression, occupation and foreign domination.

39. For their part, the Chinese Government and people, who had always supported the Palestinian people in its struggle to restore its legitimate national rights, would continue to work with the international community and the countries of the region to secure a final settlement of the Middle East question, including the question of Palestine, and to attain a just and comprehensive peace in the region.

40. Mr. KHOURY (Observer for the Syrian Arab Republic) said that the occupation of the Syrian Golan by Israel for more than 28 years constituted a gross violation of human rights, and that, as was pointed out in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463), the situation showed no signs of improving. The report was based, inter alia, on declarations of the Israeli Government and press and on other reliable sources. The policy of expansionism and colonization pursued by Israel was a matter of particular concern. The attitude of the settlers was becoming increasingly aggressive, and the frequent sealing off of the Israeli-occupied territories had adverse consequences for the health of the local population, education and the economy. According to the Israeli Ha'aretz newspaper, more than 700 Israeli families had recently moved

into the Katsrine settlement, with massive financial support from the Israeli Government. Those settlements were a violation of article 49 of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Contrary to its international obligations as a colonizing authority, Israel had assumed control of natural resources in the occupied territories, increasing the cost of water so as to discriminate against Syrian citizens, and imposing levies on agricultural products. In order to express its rejection of the occupation and its attachment to its Syrian identity, the population regularly organized strikes, including a strike on 14 February of each year.

41. The Committee's report also drew attention to the failings of the system for administration of justice in the occupied territories and the ill-treatment inflicted on detainees, which contravened the provisions of the fourth Geneva Convention.

42. The Syrian Arab Republic was grateful to the Commission for its reports, which were a true reflection of the tragic state of affairs in the region. It again drew attention to paragraph 768 of the report of the Special Committee (A/50/463), which contained some very important recommendations. It called on Israel to withdraw from the Golan to the line of 4 June 1967, as requested by the General Assembly in its resolution 50/22 B, and also called for a continuation of the peace process begun at the 1991 Madrid Conference. The arrangements defined in Madrid and accepted by all the parties concerned were the only appropriate framework within which to achieve the just and lasting peace to which the peoples of the region aspired.

43. Mr. MADADHA (Observer for Jordan) said that peace in the region must be based not only on security but also on respect for others and for their right to life, humanity and dignity. Israel's policy, involving the detention of thousands of Arab citizens without trial, collective punishments, expropriations of property, the expansion of settlements and the desecration of places of worship, could only hamper the peace process. It was impossible to call for peace while simultaneously practising oppression and vengeance. The peoples of the region knew from experience that violence could not be eliminated by violence. Although international cooperation and strengthened security procedures might help to counter terrorism, it would not finally be eliminated until the Palestinians were at last allowed to exercise their fundamental rights.

44. Mr. HASSAN (Observer for the Sudan) said that it could be clearly seen from the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463) that the situation continued to be very serious. The hopes that the international community had entertained after the signing of the Declaration of Principles on Interim Self-Government Arrangements and of the Agreement on the Gaza Strip and Jericho Area, as well as the expectations of the Palestinian people, had been disappointed. Israel had even intensified its policy of oppression by sealing off the occupied territories, collective punishments, confiscations of land, the creation of settlements and changing the demographic composition of Jerusalem. How could a just and lasting peace be based on such policies? What was called for was a total withdrawal of Israel from the occupied Syrian Golan, from

southern Lebanon and from Palestine, full compliance with the principles of the Universal Declaration of Human Rights and of the fourth Geneva Convention of 1949, effective cooperation with the International Committee of the Red Cross (ICRC) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA), the return of exiles and displaced persons and the ending of collective punishments. All the parties concerned must be alerted to Israel's objective of hegemony, and fundamental rights, particularly the right of the population of the occupied Arab territories to self-determination, must be respected. Lastly, Israel must permit field missions to visit the occupied territories.

45. Mr. NDIAYE (Observer for Senegal) said he deeply regretted that the peace process which had been under way in the Middle East since 1993 had been punctuated by many dramatic events in 1995 and 1996. Although the parties concerned were still genuinely determined to arrive at a peaceful, negotiated settlement of the Israeli-Arab conflict, the continued existence of some serious obstacles meant that the process had to be promoted by reassuring the Arab, Jewish and Palestinian populations who felt frustrated, powerless and afraid of the future.

46. As there was no political alternative to striving for Israeli-Palestinian coexistence, it was necessary to rescue the peace agreements between Israel and the Palestinians by not undermining the credibility of the Palestinian Authority or constantly leaving Israel with a painful choice between ensuring the safety of its population and complying with the agreements which had been reached. Continuation of the initial programme which had provided for the redeployment of the Israeli army from Hebron by the end of March 1996, the start of negotiations on the final status of the territories in May 1996 and the pursuit of peace negotiations with the Syrian Arab Republic likewise seemed to be matters of urgency. Furthermore, it was essential to improve the economic situation of the Palestinian population, especially in the Gaza Strip.

47. The achievement of peace, the ideal which had cost Prime Minister Yitzhak Rabin his life, demanded respect of human dignity, the promotion and safeguarding of populations' rights and the sustainable social and economic development of the Palestinian territories. That implied that the issues raised by the expansion of settlements had to be resolved, detainees better treated, freedom of religion respected and the practice of collective punishments abandoned. All the parties concerned had to take account of the overriding interests of the peoples of the region in order to avoid disillusionment and violence.

48. After the recent attacks which had plunged Israel into mourning, the outcome of the Summit on Terrorism, held in Sharm el-Sheikh on 13 March 1996, ought to be acclaimed. President Abdou Diouf had voiced the grief and indignation of the Senegalese Government and people and the solidarity with the Israeli people and Government. But, as the Israeli Minister for Foreign Affairs had pointed out, only a political solution, in other words the peace process, could prevent the burgeoning of terrorism. Senegal therefore wished to express its satisfaction with the role played by the various monitors of that process. As it exercised the chairmanship of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and was a member

of the Special Committee, Senegal especially appreciated the on-the-spot action of United Nations bodies and non-governmental organizations. It was determined to contribute, even more than in the past, to the establishment in the Middle East of relations based on cordial peace.

49. Mr. LITTMAN (Indigenous World Association) said that six years earlier, at the Commission, when he had first proposed a utopia for the Middle East, he had adapted to the Israeli-Jordanian-Palestinian predicament the notion of a United States of Europe put forward by Winston Churchill in 1946, the year in which the Commission itself had been set up. On 13 September 1993, in his historic speech in Washington, Yitzhak Rabin, quoting from the Book of Ecclesiastes, had declared that the time for peace had come. In the same spirit, the Indigenous World Association urged the Commission to adopt constructive resolutions which would further the peace process. As had been suggested the previous November, the Commission might also consider renaming the International Day of Solidarity with the Palestinian People, on 29 November, the Commemorative International Day of Reconciliation between the Israeli, Jordanian and Palestinian Peoples.

50. Mr. Rabin's assassination by a Jewish religious extremist and the recent massacres carried out by fanatics in Jerusalem and Tel Aviv had not destroyed that vision of peace. But since 1993, Israel had suffered from a rejection of any kind of peace or reconciliation by the Hamas movement, whose 1988 Covenant described "Jews", "Zionists" and their allies (to wit, Christians and moderate Muslims) as "enemies of mankind". That document referred to the most infamous anti-Semitic forgery, the Protocols of the Learned Elders of Zion. Those "enemies" had allegedly been responsible for all wars during the previous two centuries and for founding the League of Nations, the United Nations, the Freemasons and the Rotary and Lions clubs. By claiming to spearhead the struggle against Zionism, Hamas was defaming Islam.

51. At a round table held on 21 March 1995 to commemorate the International Day for the Elimination of Racial Discrimination, Professor Garvalov had stressed the existence of an obvious link between the International Convention on the Elimination of All Forms of Racial Discrimination of 1981 (art. 4 (a)) and the Convention on the Prevention and Punishment of the Crime of Genocide (art. III), which made complicity in genocide punishable. As the "29 peacemakers" meeting in Sharm el-Sheikh the previous week had declared war on terrorism, the Commission had to square up to the serious issue of terrorism. When it passed a resolution on the subject of "human rights and terrorism", as it had done at its previous session, it ought to have due regard for those ideas and recent events. The Commission's resolution should also include an explicit condemnation of Hamas as a terrorist organization and especially of its aims of genocide.

52. Mr. HOWEN (Amnesty International) said that his organization categorically condemned the suicide attacks by Hamas and other Palestinian armed opposition groups, which had claimed 58 victims the previous month. Since then, hundreds of people had been arrested by the Israeli and Palestinian authorities. Many of them had been ill-treated or tortured by the Israeli security services, or had their homes destroyed. Scores of other people had been placed in administrative detention and, according to

statements by the Prime Minister and other members of the Israeli Government, it would seem that deportation and extrajudicial executions could not be ruled out.

53. Amnesty International took no stance on political conflicts. Its only concern was that human rights should be respected by all and enshrined in political agreements. But a concern to maintain security did not justify violations of human rights or the fundamental principles pertaining to them. Amnesty International was particularly worried by the ongoing ill-treatment or torture of Palestinian detainees by the Israeli security services. On the other hand, it was encouraging that the Israeli Government's bill on the prohibition of torture had been brought into line with the Convention against Torture and that it had been decided that a second bill on the General Security Service, which might have encouraged abuses, should be revised. It would be terrifying if a State which had ratified the Convention against Torture legalized treatment which amounted to torture. Torture had to be completely banned de jure and de facto.

54. Amnesty International likewise deplored the fact that more than 240 Palestinians, including opponents of the peace process who had been arrested before the Israeli withdrawal from the West Bank, were still being held in administrative detention without knowing the grounds and without a fair trial. The continued detention of many Lebanese in Israel or South Lebanon also flouted fundamental rights and humanitarian law. Some of the people concerned had been held for nine years without a trial or access to ICRC. Amnesty International urged that a solution should be found to that situation. The status in international law of some 200 Lebanese and Palestinian detainees being held in the Khiam detention centre in South Lebanon had never been clarified and they ought to be released immediately.

55. Amnesty International was also concerned by the attitude of some members of the Israeli Government whose recent public statements had seemed to condone, or even encourage, extrajudicial executions by the Israeli security services. It was essential that the Israeli Government should clearly define its position in that respect as, like all other Governments, it ought to respect its international human rights obligations, especially the right to life of all persons, including those suspected of violent acts.

56. Lastly, Amnesty International denounced the numerous violations of the human rights of opponents of the peace agreement, presumed supporters of Islamist movements and journalists, as well as the torture and ill-treatment to which these persons were said to have been subjected during their arrest and detention without charge or trial, in the occupied territories under the jurisdiction of the Palestinian Authority. Some human rights defenders had also been arrested and detained for protesting against infringements by the Palestinian Authority. It was therefore crucially important that the rights of all those who spoke out against such abuses should be respected.

57. Mr. AL RAMLAWI (Observer for Palestine), exercising his right of reply, said that when the Israeli representative had asserted in his statement under agenda item 4 that terrorism and the liberation of the occupied Arab territories were two entirely different matters, he seemed to have forgotten

the existence of the State terrorism directed by Israel against the Palestinians and other Arab peoples. The Israeli representative seemed to have forgotten that the forcible occupation of territories constituted aggression which jeopardized international peace and security. The Israeli Government was a terrorist Government guilty of veritable genocide against the Palestinian people. As long as Israel continued to occupy Palestinian and other Arab territories, peace in the Middle East would be impossible and it was time that Israel recognized that basic truth.

58. Mr. ZHANG Yishan (China), exercising his right of reply, regretted that after all the calls for cooperation, dialogue and consensus from the Secretary-General, the High Commissioner for Human Rights and a large number of countries, a discordant voice had made some untrue, groundless allegations about China during the debate under agenda item 4. It was impossible to stress too strongly that human rights should not serve as a pretext to attack sovereign States and their legal system. Yet that was precisely what had been done by that speaker who had, perhaps, spoken hastily or not shown the requisite spirit of cooperation.

The meeting rose at 5.45 p.m.